G. R. S. 59] GPB—15,000—20 12-13

GENERAL AND REVENUE SECRETARIAT.

1902.
(P 1 7)

P. 32

File No. 1—02

Serial Nos. 6 & 9

~~Papers Filed.~~

Month ~~of~~ December 1902.

SUBJECT.

Memorial from Prisoner Rama alias Venkatasamamma against the orders passed by the Chief Court.

PREVIOUS REFERENCES.	LATER REFERENCES.
	Indexed. N.B. Thimmanna Commenced 8/2

Note (2)

Name of Memorialist. Prisoner – Rama alias Venkatramana.

2. Number of case. Hassan Sessions Case No. 1 of 1902-03 and Criminal Appeal Case No 32 1/1902 Referred Case No 3 of 1902-03 on the file of the High Court.

SECTION P & J
FILE No. 1—02
SER[illegible] N[illegible]

3. Court or Courts which tried it. District and Sessions Court of the Hassan Division

4 Nature of sentence originally passed and confirmed or altered in appeal. Sentenced to death by the Sessions Judge and this sentence was confirmed by the High Court, the appeal preferred by the prisoner having been dismissed.

5. Date of Sentence. 17th ~~October~~ July 1902.

The memorialist has been convicted of the murder of his father-in-law, Basava on the night of 31st May last at Sravanabelagola village. He is stated to have quarrelled with his father-in-law on several

several occasions
and on one occasion,
to have beaten him
as well as his wife,
because the former had
refused to allow the
Memorialist to take
his wife to Ganjam.
On the latter occasion
the Combatants were
separated and pacified
by Bheeraya Chetty (brother
of the deceased Basava)
and others. The Memorial-
ist is further stated
to have vowed vengeance
against his father-in-
-law and twisted his
moustaches, observing
that he was a Ganjam
boy and that he would
mete out to his father-
-in-law his due. In
consequence of such
quarrels, the prisoner
was putting up in the
house of one Rayi
(7th Witness for the prose-
-cution). On the night
of the murder, the prisoner
did not go into the house

to sleep, but remained outside saying that he would sleep on the pyal, where he was seen sitting by the 2nd and 7th witnesses for the prosecution, ab about 8 or 9 P.M. He was next seen at 2 A.M. on the same night by the 5th witness for the prosecution, going towards the house of ~~the~~ Sowcar Bhujabalieh, on the pyal of which, the deceased had, as usual, slept. The deceased was a servant of the Sowcar (1st witness for the prosn).

On the morning of the 1st June last, ~~the~~ Basa was found dead on the pyal of his master's house, with two clean cut wounds - one on the right side of the neck and the other on the right shoulder, the wounds having been

been inflicted by cutting through the bumbly which the deceased had covered himself with. Suspicion having fallen on the memorialist, he was arrested, and he not only confessed that he had killed the deceased Basava but also produced before the Amildar & the Police Inspector, the hatchet with which he said, he had killed the deceased. The hatchet was found to be stained with blood and the white wool of the bumbly thro' which the cuts were inflicted was detected on it by the 7th, 8th and 9th witnesses for the prosecution.

The memorialist Confessed before the committing Magistrate that he had killed ~~the~~ his father-in-law, Basava, because he had seen him having incestuous intercourse with his own daughter-die the wife of the memorialist). But he retracted the above

above confession
before the Court of
Session. He, however,
admitted that he
had brought out the
hatchet from the
Shed of Raja, & but
that the Police had
tortured him to state
that he had killed the
deceased with that
hatchet. The blood
stains on the hatchet
were detected as those
of mammalian blood
by the Chemical Examiner.

Upon the above
facts, the three assessors
were unanimously
of opinion that there
were doubts in the Case
to the benefit of which
the accused was
entitled and that
the accused was not
guilty. But the Sessions
judge differing from
the opinion of the
assessors

assessors, convicted the memorialist, Rama of the offence of murder and sentenced him to death. This Con-viction and sentence was confirmed by the high Court.

The memorialist now states that he is innocent of the murder, & prays that the sentence passed on him may be commuted to one of transportation for life.

Submitted for orders

20/11/02

20/11/02

20/11

To the 2nd Councillor.

9.66
20-11-02.

This is a clear case & there are no extenuating circumstances. In my humble opinion, the Memorial may be rejected.

21/11/02

To the Dewan.

21/11

Rec'd 22.11.02 7.31

7 (2)

Note.

1.Name of Memorialist.	Prisoner - Rama alias Venkatramana.
2.Number of case.	Hassan Sessions case No.1 of 1902-03 and criminal Appeal case No.32 of / Referred case No.3 of 1902-03 on the file of the Chief Court. 1902-03
3.Court or Courts which tried it.	District and Sessions Court of the Hassan Division.
4.Nature of sentence originally passed and confirmed or altered in appeal.	Sentenced to death by the Sessions Judge, and this sentence was confirmed by the Chief Court, the appeal prefer-red by the prisoner having been dismissed.
5.Date of sentence.	17th July 1902.

The memorialist has been convicted of the murder of his father-in-law, Basava, on the night of the 31st May last at Sravanabelagola village. He is stated to have quarrelled with his father-in-law on several occasions, and on one occasion, to have beaten him as well as his wife, because the former had refused to allow the memorialist to take his wife to Ganjam. On the latter occasion the combatants were separated and pacified by Chenro-ya Chetty (brother of the deceased Basava) and others. The memorialist is further stated to have vowed vengeance against his father-in-law and

twisted

twisted his mustaches, obseving that he was a Ganjam boy and that he would mete out to his father-in-law his due. In con-sequence of such quarrels, the prisoner was putting up in the house of one Rayi (7th witness for the prosecution). On the night of the murder, the prisoner did not go into the house to sleep, but remained outside, saying that he would sleep on the pyal, where he was seen sitting by the 2nd and 7th witnesses for the prosecution, at about 8 or 9 P.M. He was next seen at 2 A.M. on the same night by the 5th witness for the prosecution, going towards the house of Sowcar Bhuja Baliah, on the pyal of which the deceased had, as usual, slept. The deceased was a servant of the Sowcar (1st witness for the prosecution).

On the morning of the 1st June last, Basava was found dead on the pyal of his master's house, with two clean cut wounds, one on the right side of the neck and the other on the right shoulder, the wounds having been inflicted by cutting through the Cumbly which the deceased had covered him-self with. Suspicion having fallen on the memorialist, he was arrested, and he not only confessed that he had killed the de-ceased Basava but also produced before the Amildar and the Police Inspector the hatchet with which he said he had killed the deceased. The hatchet was found to be stained with blood and the white wool of the Cumbly through which the cuts were in-flicted was detected on it by the 7th, 8th and 9th witnesses for the prosecution.

The

The memorialist confessed before the Committing Magistrate that he had killed his father-in-law, Basava, because he had seen him having incestuous intercourse with his own daughter (ie, the wife of the memorialist). But he retracted the above confession before the Court of Session. He however admitted that he had brought out the hatchet from the shed of Rayi, but that the Police had tortured him to state that he had killed the deceased with that hatchet. The blood stains on the hatchet were detected as those of mammalian blood by the Chemical Examiner.

Upon the above facts, the three assessors were unanimously of opinion that there were doubts in the case to the benefit of which the accused was entitled and that the accused was not guilty. But the Sessions Judge, differ-ing from the opinion of the assessors, convicted the memorialist, Rama, of the offence of murder and sentenced him to death. This conviction and sen-tence was confirmed by the Chief Court.

The memorialist now states that he is innocent of the murder, and prays that the sentence passed on him may be commuted to one of transportion for life.

Submitted for orders.

Intld.H.V.N.

20-11-02

D

This is a clear case and there are no extenuating circumstances, ~~and~~ In my humble opinion, the Memorial may be rejected.

Sd. C. Sreenivasiengar

21-11-02.

Submitted to His Highness the Maharaja

In this case the memorialist has been convicted of a brutal and deliberate murder. The motive for the act is some misunderstanding between the accused and the deceased who was the father of the wife of the former. The accused a young man of about 25 yrs was married about a year ago to the deceased. He is a native of Sangam of Mysore & the deceased lived in Srirangapatna. The husband required the wife to live with him and the father in law refused. They were quarrelling about it and the murder under reference was the result.

There is ample evidence on record to bring home the offence to the prisoner and the conviction & sentence appear to be quite correct. The Chief Court have upheld both the finding and sentence of the S. Judge of Mysore.

Neither the S. Judge nor the Chief Court have believed the truth of the prisoners statement that the deceased was misbehaving with his own daughter. There is no truth in this statement - and I have no reason to believe that there is the offence of

12

murder is immensely aggravated by the cold and revengeful nature of the memorialist who did not hesitate to circulate abominable rumours about his own wife & her father. In this case there is an entire absence of any palliating circumstance in this case and there is no occasion for the exercise to any extent of the Royal clemency - A man who has been so revengeful to his father in law will not improbably be less so to his own wife who is a young girl and her life will be in constant danger if this man's vindictive is interfered with. Under all the circumstances of this case the memorial is one which ought to be rejected and in this opinion the Hon'ble Councillor also concurs.

25.XI.02

13 (k)

Record of Case submitted for the orders of His Highness the Maharaja.

Subject.

Memorial of Rama alias Venkatramanna, accused in Hassan Sessions Case No. 1 of 1902. 3, now under sentence of death -

Order.

I see no reason to interfere with the Sentence pronounced by the Chief Court.

304
29.11.02

28/11/02

9035
order accd
29.11.02

7618
29.12.02

Draft for Dewan's signature in hand from
Draft & Fair copies submitted

14 5)

In the Matter of a Memorial of Rama alias Venkataramana, accused in Hassan Sessions case No 1 of 1902-03 and appellant in Crl appeal No 32 of 1902-03 on the Crl Ref^d case No 3 file of the Chief Court of Mysore, praying that the sentence of death passed on him may be Commuted to one of transportation for life.

His Highness the Maharaja

has been pleased to pass the following

Order.

~~That there is~~

"I see no reason to interfere with the ~~Sentence~~ pronounced by the Chief Court"

I think it will be best to avoid the use of the 1st Person Sing:

Draft

1-12-02

Dewan of Mysore

Please

2/12 Minute amendments

Submitted to the 2nd Councillor for information after issue -

6/12/02

J 94
K-1-01

Seen Q.
5/12/02

Submitted to the 1st Councillors.

5/12/02

R.D. 8/12/02 night. M.17 Will the Secretary be pleased to explain why the Question was not brought to me for opinion - to the not a Scheduled Case? 9/12/1902

J. Branch
Please explain in an "Office Note"
11 21/12/02

27-11-02

15/16

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

Subject.

Whether memorials presented by prisoners to H. H. the Maharaja for the exercise of the prerogative of mercy are Scheduled matters which should go before Council?

Note.

The 1st Councillor's remarks on slip submitting the papers relating to the memorial of one Rama alias Venkataramana, to H. H. the Maharaja, after the issue of the orders passed by His Highness, are as follows:

"Will the Secretary be pleased to explain why this question was not brought to me for opinion. Do this case no[t] fall under a Scheduled matter?"

(Sd) V. P. M.
9/12/1902.

"Remission of judicial Sentences is a matter to be placed before Council under Clause (vi) of the Schedule of Subjects

1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

† 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

to be place before the Council
Submitted.

24/12/02 Where there are no prima facie grounds for complying with a prisoner's memorial, ~~it is~~ and it is proposed to reject the same accordingly, it is ~~not~~ doubtful if the matter ~~can~~ be considered as falling under the above description. In other words, if a remission (~~or alteration~~) is proposed to be granted, it is undoubtedly a scheduled matter, and has to go before the full Council; but where ~~a~~ a remission is not in contemplation, can the subject be treated as ~~which the~~ dealing with a remission of sentence?

~~[illegible]~~

Since writing this above, I find on a reference to precedents that the above view is correct.

Four files are submitted herewith for inspection, in two of which the matter has been disposed of on the principal (i.e. the Judicial Member and the Secretary) and in the rest on the opinion of the Secretary and (Sir H. Sherwood) the Member in charge of Municipalities in the other, who has, however, also ~~the~~ in charge the Judicial (Courts) portfolio at the time.

24-12-02

Subd to Secty

We have been always acting on the principle that if a remission of sentence is deemed necessary by the Member in charge and by the Secretary, then alone the matter is treated as a Council matter. 24/12/02

The practice followed has been according to precedent, though it seems to me, there is nothing in principle against treating all such cases as falling under the Schedule.

2/1/1902

The 1st Councillor

R? 3/1/03
Camp Delhi
782

seen. I am of the same opinion as the Secretary

26/1/1903

Subd to the Notes, as the above views are at variance with the existing practice.

28/1/03

28.1.03 R?
28/1/03 30.1.03
8109

9576
May I know on what grounds was sent with 1st Communication at all?

1.2.03

3/2/03

Is there not an order that files on which 1st-ft. has passed orders should be circulated to Councillors? Make that up please. 3.2.03

Subd. The file relating to the Memorial

of Rama Rao & Venkatramanna
was submitted to the 1st Councillor
for perusal in accordance with
the following order of the Dewan
circulated in office with the Secretary's
note dated 24th October 1902:
"I have finally settled with
the Secretary that he should
get the proofs of the monthly
diary completed once a week
and send such proof sheets
of diaries to Councillors to be
perused and returned by them.
Papers returned by His Highness
the Maharaja will also be sent
to them for perusal and return
after or before the issue of orders
just as convenient and without
causing unnecessary delay."

3/2/03

3.2.03

I thought that this referred to
"Council" files only through ~~the office~~
~~(including)~~ the Dy Secy & Asstt Secretaries apparently
understood the direction in the wire general
sense. The correction since made by the Dewan
(in the sense understood by me) has been circu-
lated for future guidance.

3/2/03

The Dewan-

23/2/1903

24.II.03

8652
24.2.03

26/2/03

(General Serial No. 30.)

1

5471. ~~189~~ 1902-03

(1)

[illegible]

From The Registrar of the Chief Court, Mysore

SECTION P 17

FILE No 1-02

SERIAL No. 6

To The Secretary to the Govt of Mysore

Dated 14/11/02

Despatched

Received

Enclosures No. 2 Records

General No. 2949

No. 105

Forwards a memorial addressed to His Highness the Maha Rajah of Mysore by Rama alias Venkatesiah assaulted in Hassan Sessions case No 1 of 1902-03.

Inst
1911

Note Subd

Copy

Bangalore 14th November 1902.

N 2969 dated 2 / 105 and Records

From,

V. A. Rajaratna Mudaliar Esq.,
Registrar, Chief Court of Mysore.

To,

H. V. Nanjundayya Esq., M.A., B.L.,
Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

I am directed to forward a Memorial addressed to His Highness the Maha Rajah of Mysore by Rama alias Venkatarayana, accused in Hassan Sessions Case No: 1 of 1902-3 and appellant in Crl: apl: No: 32 / Crl: Refd: Case No: 3 of 1902-3 on the file of this Court.

2. The Inspector-General of Prisons through whom the Memorial was received has been directed to suspend the sentence of death passed on the Memorialist pending disposal of his Memorial and the Sessions Judge has been informed of the same.

2

3 The entire record of the case is herewith forwarded.

I have the honor to be,

Sir,

Your most Obedient Servant;

Registrar

Encl

To

Enclosure to Sl 6

His Highness Maharaja Sree Krishnaraja Wodayar Bahadur. Maharaja of Mysore.

The humble memorial of Prisoner no. 6080 Rama alias Venkatramana Condemned to death by the Sessions Judge at Hassan in Sessions Case no 1 of 1902-03 and which Sentence was Confirmed by the Chief Court of Mysore in criminal appeal no: 32 of 1902-03.

The memorialist even now asserts with a clear Conscience before your Royal Highness that he is innocent of the Murder. He urges once again that What was stated before the Committing Magistrate and in the Sessions Court was the Statement of one who was sorely tempted, pressed, threatened

and tortured by the Police.

5

It has been abundantly proved in the Lower Courts that there existed a feud between Your Highness' memorialist and the deceased Basawa an account of the former suspecting that his wife was made a victim to immoral purposes under the sanction of the deceased. The memorialist admits that such a feud did exist- and to such an extent that the knowledge thereof was not merely confined to the memorialist- and the deceased but was known to the whole neighbourhood. This knowledge of the existence of ill-feeling was baneful to the memorialists interests. The fact- that the deceased was found murdered at a time when the memorialist- was at the same station was attributed to the feud that all along existed.

As it would reflect badly on the Police if a crime remains undetected a charge of murder was framed against the Memorialist- and Conviction was

Very easily obtained owing to the impossibility of the memorialist producing any one to depose on his behalf.

If your Highness should be pleased to still consider that the memorialist did commit the crime, he prays that his Sentence may be commuted to one of Transportation for life to enable your Highness Memorialist to meditate upon the minute points of the circumstancial evidences against an innocent man.

(Sd)

Mark of Rama
alias Venkatramana

T. J. Cuthbertson
Superintendent
Mysore Jail.
10-11-1902.

Enclosure 8 b

In the Chief Court of Mysore at Bangalore

Friday, the 17th day of October 1902.

Present

The Hon'ble Mr. Justice J. W. Best, Chief Judge

and

The Hon'ble Mr. Justice A. Rangasawmiengar, Judge

Petition of Crl: appeal No. 32 of / Referred case 30 of 1902-03 / 1902-03, against the conviction and sentence by the Sessions Judge of Hassan, under section 302 of the Penal Code, in Hassan Sessions case No. 1 of 1902-03.

Appellant Rama alias Venkataramana (accused)

Judgment

The appellant Rama alias Venkataramana has been found guilty, by the Judge of Hassan, of the murder of one Basava and sentenced to death, subject to Confirmation of the sentence by this Court.

That Basava was murdered there can be no doubt. On the night of 31st May last he slept, as usual, on the pyal of his master, the 1st witness for prosecution

prosecution Bhuja-Bulliah - who found him there the next morning lying dead with cuts on his neck. Upon the evidence of Hospital Assistant, D. K. Narasinga Row, (3rd witness for prosecution) it is seen that there was a deep clean cut wound about 3 inches in length and 1½ inch in breadth below the right ear, and another similar wound on the right shoulder, and that the "Cause of the death was shock and haemorrhage due to the cut at the neck:".

The remaining question is was it the appellant who inflicted the wounds on the deceased? He has admitted the facts in the statement made by him on 9th June 1902 before Mr. Aravamudu Iyengar, 1st Class Magistrate; and again on 14th Idem, before Mr. Chandy, the Committing Magistrate. But at the Sessions trial he retracted these statements, saying they were made at the instigation of the Police by whom he had been tortured -

It has been contended

before

before us by Mr. Sabapathy Iyer (on behalf of appellant) that the statements made by the appellant before the two Magistrates are palpably false in so far as they describe the appellant as having been an eye-witness of incestuous intercourse between the deceased and his daughter, who is married to appellant. No doubt this part of the appellants' statement is not true. But it is in evidence that appellant had on previous occasions also spoken of such intimacy as being the reason why the deceased would not allow his daughter to go to appellants' house (at Seringapatam). Appellants wife Chenni has deposed "The accused used to slander me saying that I have been keeping my father" (See page 6 line 11). Again the 2nd witness Dumma (the brother of Chenni; and son of the deceased) has stated "The accused was in the habit of complaining that my sister was sleeping with my father x x x. It was because my father did not send my sister to the accused that the latter has been falsely complaining against him" (p. 4. lines 23-25)

That the appellant used to quarrel

quarrel with his father-in-law the deceased Basava - on account of the latter's refusal to send the appellant's wife to Seringapatam is also seen from the evidence of 6th witness Venkalamma, who is the wife of a brother of the deceased and in whose house the appellant was living at the time of the murder. She says the appellant "quarrelled with my father-in-law and wanted his wife to be sent with him to his place. My brother-in-law told him that he wanted to get his son married and that till the marriage was is over he would not send his daughter. The accused replied that he was keeping his daughter for pimping her to the Sowcar (1st witness for prosecution). He was frequently quarrelling with his father-in-law about this matter. 2 or 3 months ago the accused and my brother-in-law quarrelled and struck each other". To the same effect is the evidence of 7th witness Raji - the husband of 6th witness.

There is therefore no reason for thinking that the palpably false reason assigned by the appellant for his killing

killing the deceased was dictated by the Police
It appears to be rather his own invention in
order to make it appear that he acted under
grave provocation.

The confessional statements of the appellant before the Magistrate are strongly corroborated by the giving up by appellant of the instrument with which the wounds on the deceased were inflicted. There seems no room for doubt as to the adze in question having been given up by the appellant. The fact is deposed to not only by Patil Bore Gowda (8th witness), Shambogue Venkataramana (9th witness) and Police Inspector Ghoolam ali Sheriff (12th witness), but also by Venkataramana and her husband Raji (6th and 7th witnesses) in whose house the appellant was living. From the evidence of these witnesses it is further seen that adze when this produced was blood-stained and had wool adhering to it which tallies with the fact that the wounds on deceased were inflicted by cutting through the blanket with which he had covered himself and which blanket was also found cut correspondingly to the wounds on the

deceased.

deceased.

It is further seen from the evidence of Venkatamma that on the night of the murder, when the door was about to be closed for the night, she called the appellant (who was sitting outside on the pyal) to come in; but he replied that he would sleep on the pyal. Witness then bolted the door and went to sleep inside. In the course of the night, appellant knocked at the door and asked to be let in saying he was feeling chilled, and she let him in. No reason whatever is apparent for holding that this witness or her husband is in any way hostile to the appellant

There being thus no reason to doubt the correctness of the judge's finding that it was appellant who murdered Basava and there being no extenuating circumstances to justify the commutation of the sentence to transportation for life, the appeal is dismissed and the sentence of death confirmed.

"A true Copy"

Registrar

hitu

(6)

OFFICE OF THE GOVERNMENT OF MYSORE.

No 803
H Recpts

Dated Bangalore, 3.12.02

SECTION Def
FILE No. 1.6.2
SERIAL No. 8

From

The ~~General~~ Secretary to the Government of Mysore.

To

The Registrar of the Chief Court of Mysore.

SIR,

I am directed to forward herewith, for information of the Judges of the Chief Court and for communication to the prisoner Kama alias Kuttadamana ~~going~~ sentence of death in the Mysore Jail, copy of order passed by H. H. the Maharaja ~~Regent~~ of Mysore, on the prisoner's memorial rejecting the same.

2. The entire records received with your letter No. 2949/105 dated 14th November 1902 are herewith returned.

I have the honor to be,

SIR,

Your most obedient servant,

~~General~~ Secretary.